



ATTORNEY DOCKET NO. 14114.0311U6
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Carlone <i>et al.</i>)	
)	
Application No. 09/623,038)	
)	
Confirmation No.: 5598)	Examiner: S. Devi
)	
Filed: November 27, 2000)	Art Unit: 1645
)	
For: EPI TOPE PEPTIDES IMMUNOGENIC)	
AGAINST STREPTOCOCCUS)	
PNEUMONIAE)	

DECLARATION FOR JACQUELYN S. SAMPSON UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 23313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 52488

Sir:

I, Jacquelyn S. Sampson, hereby declare that:

1. I am a co-inventor of the invention described and claimed in the above-identified application.

2. I am in a position to know the facts surrounding the production and custody of the hybridoma 1B6E12H9 producing monoclonal antibody 1B6E12H9, now deposited with the ATCC under accession number PTA-6531. A copy of the Budapest Deposit Receipt is attached. This hybridoma is the same hybridoma that is described in the present specification and the priority application specification under the designation 1B6E12H9. The deposited hybridoma

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Application No. 10/455,109

was in our possession at the time of filing of application number 60/076,565, to which the present application claims priority, and has remained in our possession until the time of deposit with the ATCC.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jacquelyn S. Sampson
Jacquelyn S. Sampson

7/18/05
Date

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

Centers for Disease Control & Prevention
Dr. Edwin W. Ades
1600 Clifton Road, NE
17/5211, MS-G 05
Atlanta, GA 30333



RECEIVED
MAR 15 2005
NEEDLE & ROSENBERG

Deposited on Behalf of: United States of America, as represented by the Secretary, Department of Health and Human Services, C/O Centers for Disease Control & Prevention

Identification Reference by Depositor:

Patent Deposit Designation

Hybridoma: 1B6E12H9
Hybridoma: 8G12G11B10

PTA-6531
PTA-6532

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The deposits were received January 20, 2005 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested February 1, 2005. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

cc: Gwendolyn D. Spratt
Docket or Case No: 14114.0343U2 and 14114.0311U6

Date: March 10, 2005

CDS	
By <u>[Signature]</u>	DOCKETED
Reviewed <u> </u>	Date <u>3/15/05</u>
Scanned <u>[Signature]</u>	Name/Date <u> </u>